

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NEIL SURESH CHANDRAN,

Defendant.

4:22-CR-3077

ORDER

This matter is before the Court on the defendant's appeal ([filing 49](#)) of the Magistrate Judge's order ([filing 44](#)) that the defendant be detained pending trial. The defendant's appeal will be denied.

If a person is ordered detained by a Magistrate Judge, he may file a motion for revocation or amendment of the order with the district judge. *See* [18 U.S.C. § 3145\(b\)](#). Such a motion "shall be determined promptly." *Id.* When reviewing the Magistrate Judge's order, the Court

may hear and consider additional evidence not considered by the magistrate judge if that evidence was not available to be presented to the magistrate judge at the hearing held under [18 U.S.C. § 3142\(f\)](#) or for other good cause shown. In the alternative, the district judge may remand the matter to the magistrate judge to reopen the hearing. Unless additional evidence is received on review, the district judge reviews an order of release or detention de novo on the record made before the magistrate judge.

[NECrimR 46.2](#). The defendant hasn't offered additional evidence or asked for the opportunity to present any additional evidence, *see* [filing 49](#), so the Court

has conducted a *de novo* review of the record, *see* [NECrimR 46.2](#), including (but not limited to) the audio recording of the hearing held by the Magistrate Judge on the motion to review detention ([filing 46](#)).

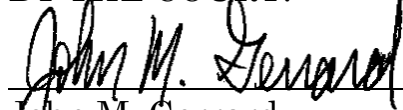
Pursuant to § 3142(e)(1), a defendant shall be detained pending trial if, among other things, the Court finds that "no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community." Only if the government shows by clear and convincing evidence that no release conditions will reasonably assure the safety of the community, or by a preponderance of the evidence that no conditions will reasonably assure the defendant's appearance, can a defendant be detained before trial. *United States v. Kisling*, 334 F.3d 734, 735 (8th Cir. 2003).

On its *de novo* review of the record, the Court fully agrees with the Magistrate Judge's findings and conclusion that the defendant poses a clear and convincing risk of flight if released. Accordingly, the defendant will be detained pending trial.

IT IS ORDERED that the defendant's appeal ([filing 49](#)) is denied.

Dated this 4th day of October, 2022.

BY THE COURT:



John M. Gerrard
United States District Judge